

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

SEP 22 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b)) RM -
Table of Allotments)
FM Broadcast Station)
(Montgomery, Alabama))

To: Chief, Allocations Branch
Mass Media Division

PETITION FOR RULE MAKING

Montgomery Christian Educational Radio, Inc. (hereafter "MCER"), by its attorneys and pursuant to the provisions of Section 1.401 of the Commission's Rules and Section 307(b) of the Communications Act of 1934, as amended, hereby respectfully requests that the FM Table of Assignments be modified as follows:

<u>City</u>	<u>Present</u>	<u>Channel No.</u>	<u>Proposed</u>
Montgomery, AL	222C 241A 255C 270C 277C		222C *226A 241A 255C 270C 277C

The subject modification in the Table of Assignments can be made without any other alteration therein. MCER requests that the subject allocation be designated for noncommercial usage.

I. BACKGROUND.

1. MCER is presently the licensee of noncommercial FM station WLBF-FM, Montgomery, Alabama. MCER desires to provide the residents of the Montgomery area with a second noncommercial

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FM station. However, as is demonstrated in Attachment A hereto, there are no frequencies in the non-reserved portion of the FM band that may be utilized by MCER, or any other interested party, for a new, noncommercial FM station.

2. MCER's engineering consultant has ascertained that FM Channel 226A can be assigned to Montgomery in full compliance with the minimum spacing requirements of Section 73.207 of the Commission's Rules.¹ See Attachment B hereto. MCER requests that this assignment be reserved for noncommercial use.

3. MCER recognizes that generally noncommercial educational stations operate within the reserved portion of the FM band (Channels 201-220). Exceptions have, however, been made in cases where the channels in the noncommercial educational band are not available for use in an area. See, Comobabi, Arizona, 47 FR 32717 (July 29, 1982); Burlington and Newport, Vermont, 45 RR 2d 786 (1979) and Report and Order in MM Docket No. 87-41 (Lindside, West Virginia), DA 87-1384 (1987). MCER has demonstrated that there are no reserved band FM channels available to it in the Montgomery area and requests the reservation of FM Channel 226A for noncommercial educational utilization.

4. In the event the channel is assigned for noncommercial use in Montgomery, MCER will file an application seeking to operate a noncommercial FM station on that allocation. As noted previously, the Commission has previously determined that MCER is qualified to hold a noncommercial educational FM license.

1 47 C.F.R. 73.207.

Wherefore, based on the foregoing, MCER respectfully requests the assignment of Channel *226A to Montgomery, Alabama as a noncommercial educational FM allocation.

Respectfully submitted,

Montgomery Christian Educational
Radio, Inc.

By: 

Jeffrey D. Southmayd

Its Attorney

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ATTACHMENT A

FILE NAME: MonNCEA.DOC Clear NCE Channel Search 6.000kW A 100mEAH
 FCC DATABASE: 930630 Montgomery, AL LATITUDE: 32-24-13
 DATE: 07-16-1993 CH 226A Cleared by 65 km LONGITUDE: 86-18-12

CHAN PRE- CLUDED	CALL AUTH OWNER	CITY OF LICENSE FCC FILE UPDATED	CHAN FREQ	ERP-kW EAH-m AMSL-m	LATITUDE LONGITUDE DOCKET#	AZTO FROM	DIST-km
201	WBAMFM Montgomery, AL LIC BLH-890317KC Deep South Broadcasting Company	08/18/89	255C 100.000 98.9	334 397	32-24-11 86-11-48	139.5 319.5	0.1 /1
202	WBAMFM Montgomery, AL LIC BLH-890317KC Deep South Broadcasting Company	08/18/89	255C 100.000 98.9	334 397	32-24-11 86-11-48	139.5 319.5	0.1 /1
203	WLBF Montgomery, AL LIC BLEED-900209KC Montgomery Educational Radio, Inc.	08/13/92	206C1 100.000* 89.1	164 227	32-24-13 86-11-50	270.0 90.0	0.0
204	WLBF Montgomery, AL LIC BLEED-900209KC Montgomery Educational Radio, Inc.	08/13/92	206C1 100.000* 89.1	164 227	32-24-13 86-11-50	270.0 90.0	0.0
205	WLBF Montgomery, AL LIC BLEED-900209KC Montgomery Educational Radio, Inc.	08/13/92	206C1 100.000* 89.1	164 227	32-24-13 86-11-50	270.0 90.0	0.0
206	WLBF Montgomery, AL LIC BLEED-900209KC Montgomery Educational Radio, Inc.	08/13/92	206C1 100.000* 89.1	164 227	32-24-13 86-11-50	270.0 90.0	0.0
207	WLBF Montgomery, AL LIC BLEED-900209KC Montgomery Educational Radio, Inc.	08/13/92	206C1 100.000* 89.1	164 227	32-24-13 86-11-50	270.0 90.0	0.0
208	WLBF Montgomery, AL LIC BLEED-900209KC Montgomery Educational Radio, Inc.	08/13/92	206C1 100.000* 89.1	164 227	32-24-13 86-11-50	270.0 90.0	0.0
209	WLBF Montgomery, AL LIC BLEED-900209KC Montgomery Educational Radio, Inc.	08/13/92	206C1 100.000* 89.1	164 227	32-24-13 86-11-50	270.0 90.0	0.0
210	WTSU Montgomery - Troy, AL LIC BLEED-801217AH Troy State University	05/18/92	210C1 100.000 89.9	171 297	32-03-33 86-01-22	156.7 336.7	41.6

KILGORE BROADCAST MAINTENANCE

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FILE NAME: MonNCEA.DOC Clear NCE Channel Search 6.000kW A 100mEAH
 FCC DATABASE: 930630 Montgomery, AL LATITUDE: 32-24-13
 DATE: 07-16-1993 CH 226A Cleared by 65 KM LONGITUDE: 86-18-12

CHAN	CALL	CITY OF LICENSE	CHAN	ERP-kW	LATITUDE	AZTO	DIST-km
PRE-	AUTH	FCC FILE	UPDATED	FREQ	EAH-m	LONGITUDE	FROM
CLUDED	OWNER				AMSL-m	DOCKET#	

211	WTSU	Montgomery - Troy, AL	210C1	100.000	32-03-33	156.7	41.6
	LIC	BLED-801217AH	05/18/92	89.9	171	86-01-22	336.7
	Troy State University				297		

212	WTSU	Montgomery - Troy, AL	210C1	100.000	32-03-33	156.7	41.6
	LIC	BLED-801217AH	05/18/92	89.9	171	86-01-22	336.7
	Troy State University				297		

213	WVAS	Montgomery, AL	214C1	80.000	32-21-58	245.6	10.0
	CP	BPED-881208ID	10/04/92	90.7	106	86-17-40	65.6
	Alabama State University				163		

214	WVAS	Montgomery, AL	214C1	80.000	32-21-58	245.6	10.0
	CP	BPED-881208ID	10/04/92	90.7	106	86-17-40	65.6
	Alabama State University				163		

215	WVAS	Montgomery, AL	214C1	80.000	32-21-58	245.6	10.0
	CP	BPED-881208ID	10/04/92	90.7	106	86-17-40	65.6
	Alabama State University				163		

216	WVAS	Montgomery, AL	214C1	80.000	32-21-58	245.6	10.0
	CP	BPED-881208ID	10/04/92	90.7	106	86-17-40	65.6
	Alabama State University				163		

217	WHHYFM	Montgomery, AL	270C	100.000	32-24-11	139.5	0.1
	LIC	BLH-890331KC	10/23/89	101.9	334	86-11-48	319.5
	Holt-Robinson Communications Corp.				397		/1

218	WUALFM	Tuscaloosa, AL	218C1	100.000	33-05-40	303.9	137.3
	LIC	BLED-811221AO	03/26/87	91.5	158	87-24-47	123.9
	University of Alabama				262		

219	WLWIFM	Montgomery, AL	222C	100.000	32-24-11	139.5	0.1
	LIC	BLH-890412KA	09/19/91	92.3	334	86-11-48	319.5
	Colonial Broadcasting Company, Inc.				397		/1

220	WLWIFM Montgomery, AL	222C	100.000	32-24-11	139.5	0.1
	LIC BLH-890412KA	09/19/91	92.3	334	86-11-48	319.5 /1
	Colonial Broadcasting Company, Inc.		397			

/1 Precusory station located inside city limits, which would cause undesirable interference to proposed station on reserved channel in city.

**** END OF STUDY ****

ATTACHMENT B

KILGORE BROADCAST MAINTENANCE

Page No. 1

FILE NAME: Mon226A.D02 Proposed New Allocation 6.000kW A 100mEAH
 FCC DATABASE: 930630 Montgomery, AL LATITUDE: 32-24-13
 DATE: 07-16-1993 CH 226A Cleared by 65 km LONGITUDE: 86-18-12

CALL	CITY OF LICENSE	CHAN	ERP-kW	LATITUDE	AZIM	DIST-km	CLEARED
AUTH	FCC FILE	UPDATED	FREQ	EAH-m	LONGITUDE	FROM	REQ-km
OWNER				AMSL-m	DOCKET#		BY km

W224AK Auburn, AL 224D 0.010x 32-29-55 83.5 92.6 CLEAR
 LIC BLFT-880129TD 07/20/88 92.7 0 85-19-30 263.5 30.0 62.6
 J & J Broadcasting 302
 Make: Model: Orientation: Deg
 TRANSLATOR FOR WGSY, PHENIX CITY, AL.

WTUGFM Tuscaloosa, AL 225C1 100.000 33-03-15 301.7 137.3 CLOSE
 LIC BLH-910318KD 01/10/92 92.9 299 87-32-57 121.7 133.0 4.3
 Radio South, Inc. 372

Tuscaloosa, AL 225C1 0.000 33-03-36 302.0 137.3 CLOSE
 USED 02/08/91 92.9 0 87-32-43 122.0 133.0 4.3
 0 89-322

Site restricted-Effective 11-13-90-Reserved for WTUG per D89-322

Blakely, GA 226C3 0.000 31-17-00 136.7 170.7 CLEAR
 VACANT 06/10/92 93.1 0 85-04-00 316.7 142.0 28.7
 0 91-319

Site Restricted-Effective 3-23-92-Reserved for WDKZ per D91-319

Glencoe, AL 226A 0.000 33-56-44 13.2 175.6 CLEAR
 USED 09/16/91 93.1 0 85-52-19 193.2 115.0 60.6
 0 88-388

WGMZ Glencoe, AL 226A 1.550 33-57-15 13.5 176.8 CLEAR
 CP MOD BMPH-910905IE 06/25/93 93.1 194 85-51-43 193.5 115.0 61.8
 Appalachian Broadcasting Company 387

Evergreen, AL 227C2 0.000 31-26-29 209.3 122.3 CLEAR
 USED 05/05/89 93.3 0 86-56-08 29.3 106.0 16.3
 0 87-451

Effective 1-13-89-Rsvd for WIJKFM per D87-451

WPGG Evergreen, AL 227C2 50.000 31-26-04 209.1 122.9 CLEAR
 LIC BLH-890728KF 02/16/93 93.3 124 86-56-07 29.1 106.0 16.9

KILGORE BROADCAST MAINTENANCE

Page No. 2

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 FCC DATABASE: 930630 Montgomery, AL LATITUDE: 32-24-13
 DATE: 07-16-1993 CH 226A Cleared by 65 KM LONGITUDE: 86-18-12

CALL	CITY OF LICENSE	CHAN	ERP-kW	LATITUDE	AZIM	DIST-km	CLEARED
AUTH	FCC FILE	UPDATED	FREQ	EAH-m	LONGITUDE	FROM	REQ-km BY km
OWNER			AMSL-m	DOCKET#			

WPGG	Evergreen, AL	227C2	0.000	31-26-09	209.8	123.6	CLEAR
DEL	RM-7754	10/30/92	93.3	0	86-57-07	29.8	106.0 17.6
Wolff Broadcasting Corporation			0	91-303			
PRM-Option I & III							

WPGG	Evergreen, AL	227C1	0.000	31-14-48	200.5	136.9	CLOSE
ADD	RM-7754	10/30/92	93.3	0	86-48-32	20.5	133.0 3.9
Wolff Broadcasting Corporation			0	91-303			
PRM-Option I & III							

	Manchester, GA	227C	0.000	32-50-40	72.8	165.0	CLOSE
USED		12/01/90	93.3	0	84-37-25	252.8	165.0 0.0
			0				

Coordinates updated from LIC record BLH850514KA

WVFJFM	Manchester, GA	227C	100.000	32-50-40	72.8	165.0	CLOSE
LIC	BLH-850514KA	01/23/86	93.3	381	84-37-25	252.8	165.0 0.0
Provident B/Casting Co.			635				

NEW-T	Montgomery, AL	228D	0.021x	32-20-06	169.1	7.7	SHORT /1
APP	BPFT-861208TC	08/10/88	93.5	0	86-17-16	349.1	30.0 -22.3
Power Du Pree Broadcasting Company			154				
Make: Model: Orientation:				Deg			

WDJC	Birmingham, AL	229C	99.000	33-26-36	334.9	127.3	CLEAR
LIC	BLH-870205KC	10/28/87	93.7	307	86-52-50	154.9	95.0 32.3
WDJC Radio Company			488				

	Birmingham, AL	229C	0.000	33-26-36	334.9	127.3	CLEAR
USED		12/01/90	93.7	0	86-52-50	154.9	95.0 32.3
			0				

Coordinates updated from LIC record BLH870205KC

/1 Protection of FM translators not required.

**** END OF STUDY ****